

As clearly set forth in the M.P.E.P §201.06(d) (See page 200-42), the filing of the CPA caused the express abandonment of the previously filed application in which the above-mentioned Final Office Action (Paper No. 17) was issued. By effect of the abandonment of the previous application, the Final Office Action (Paper No. 17) was no longer at issue and no outstanding Office Action existed that required the reply of the applicants. Therefore, the amendment (Paper No. 18) that was entered as a result applicants filing the Request to File a CPA did not need to be responsive to any previously issued Office Action. The examiner is also directed to M.P.E.P.

§706.07(h)(XIII) that expressly states that a Preliminary Amendment filed with a Request for filing a Continued Prosecution Application does not need to include a reply that is a bona fide attempt to advance the prosecution of the application (See page 700-80, item 15). For all of the above-discussed reasons, this holding of a non-responsive amendment must be withdrawn.

Nevertheless, to further expedite the prosecution of the above-mentioned application, the applicants make the following comments with regard to the issues raised in the outstanding Office Action.

First, in response to the rejection of claims 5-8 under 35 U.S.C. §112, first paragraph, applicants submit that they had possession of the claimed invention at the time the application was originally filed. On page 10, lines 23-34 and page 11, lines 1-4, applicants expressly disclose the use of different types of identifying agents that will bind specifically to cancerous or precancerous cells based on the properties and activities of these cells. One of ordinary skill in the art would understand after reading these portions

of the specification that applicants had possession of cancer cell specific identifying agents and would be able to identify the specific agents that could be used for the intended purposes without undue experimentation. Additionally, page 14, lines 19-34 and page 15, lines 1-23 expressly disclose cancer specific targeting agents that can also be used as cancer specific identifying agents. Therefore, for all of the above-discussed reasons, applicants submit that the originally filed specification clearly indicates that they had possession of the invention recited in claims 5-8 at the time the application was originally filed.

With regard to the rejection of claims 9-16 under 35 U.S.C. §112, second paragraph, this rejection was fully and completely addressed in the Amendment After Final Office Action (Paper No. 18). Applicant draws the examiner's attention to page 3, lines 18 and 19 where the basis for this rejection is set forth and the arguments on pages 3-6 (especially pages 5 and 6) which simultaneously address the rejections of these claims under both 35 U.S.C. §112, first paragraph and 35 U.S.C. §112, second paragraph. Applicants addressed these two rejections together because of their similarities and overlapping subject matter. As mentioned on page 6 of the Amendment After Final Office Action, claims 9-16 are both enabled and definite.

It is respectfully submitted that this paper has addressed all outstanding issues. If any questions remain, the examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

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